



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 11, 1992

Mr. Jeffrey J. Horner
Bracewell & Patterson
2900 South Tower Pennzoil Place
Houston, Texas 77002-2781

OR92-333

Dear Mr. Horner:

On behalf of your client the LaPorte Independent School District (the "district") you ask whether student records are subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID # 16163.

Shannon McElvogue brought suit against the district challenging her expulsion from La Porte High School. This suit was settled pursuant to a Settlement Agreement executed by the McElvogue family and the district. The Settlement Agreement expressly states that its terms and the negotiations leading to the Agreement were confidential, and that "violation of [the] confidentiality agreement will constitute a material breach of the Agreement, and is grounds for the Agreement's rescission." The Settlement Agreement further provided that the parties agreed that the Agreement should be deemed a student record of Shannon McElvogue under the Open Records Act and is therefore excepted from public disclosure. The district has received a request for disclosure of the Settlement Agreement under the Open Records Act. The district and the McElvagues contend that the settlement agreement is excepted from public disclosure pursuant to section 3(a)(14) of the Act.

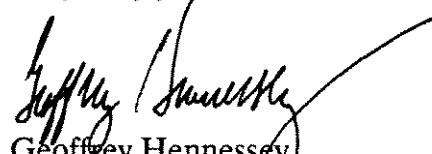
Section 3(a)(14) of the Act excepts from required public disclosure:

student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved, that student's parent, legal guardian, or spouse or a person conducting a child abuse investigation required by Section 34.05, Family Code.

The Settlement Agreement is a student record for the purposes of section 3(a)(14), because it reflects Shannon McElvogue's attendance at La Porte High School and an agreement concerning her departure from the same. The district is funded by state revenue. None of the exceptions or waivers of section 3(a)(14) apply. Accordingly, the Settlement Agreement is excepted from public disclosure pursuant to section 3(a)(14). *See* Open Records Decisions Nos. 539 (1990) (interview of former university student concerning events that occurred while he was a student excepted as student record under the Act); 477 (names of former students whose degrees were rescinded excepted), 462 (1987) (information about student athletes excepted).

Because case law and prior published open records decisions resolves your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-333.

Very truly yours,


Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/lmm

Ref.: ID# 16163

cc: Mr. Pete T. Patterson
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